App. No. 09/893,170
Amendment Dated: December 3, 2004
Reply to Office Action of September 10, 2004

REMARKS

Claims 1-22 remain in this application for further consideration. The specification has been amended to correct a minor typographical error. Claims 1, 15, 18 and 19 have been amended as more fully set forth herein. No new matter has been added.

I.   Objection to claims 12, and 15-18.

Claims 17 and 18 were objected to because they are identical claims. Claims 12 and 15-18 were objected to because the term "watermark" is purportedly unclear. Claims 15 and 18 have been amended as set forth above. Claim 15 has been amended to recite "a watermark identifying a state with the second data store at which the second data store is synchronized." Claim 18 has been amended to recite that "the synchronization component is further configured to store the synchronization state to a directory associated with the synchronization component." Applicants believe that the aforementioned changes to claims 15 and 18 alleviate the objections to the same.

II.   Rejection of Claims 1-5, 12, 19 and 21-22 under 35 U.S.C. 102(e).

Claims 1-5, 12, 19 and 21-22 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,341,316 issued to Kloba et al. ("Kloba"). Applicants respectfully disagree with the rejection. Even though applicants believe that the claims are allowable as written, applicants have amended independent claims 1 and 19 to further clarify the invention. When Kloba and the claims of the present invention are read as a whole, the claims of the present invention are not taught or otherwise suggested by the prior art.

Claim 1 is an independent claim that has been amended to recite the step for "creating a server request based on the client request and on a synchronization state associated with the failed prior synchronization session so that duplicate objects are not created in the server when the mobile device and the server become synchronized." Claim 19 recites that "if the synchronization request corresponds to the first synchronization session, the server is configured to initiate a recovery synchronization session, wherein the server is further configured to exclude changes provided in the first synchronization session that were previously updated." These

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limitations are not taught or otherwise suggested by Kloba. In fact, Kloba teaches away from claims 1 and 19. Kloba specifically recites as follows:

> "In steps 170G, 170H, and 170I, the server 104 determines **what instructions** are needed **to cause the client 108 to roll back** to the known state associated with data marker C2 identified in step 170F, and what instructions are needed to cause the client 108 to move forward from the previous state associated with data marker C2 to the current state associated with data marker C3.
>
> **In steps 170J, the instructions determined from steps 170G, 170H and 170I are sent to client 108,** along with the new data marker C3 (6332 in FIG. 63B). In one embodiment, a data marker is a synchronization token which is specifically constructed to provide information about state of information on a client.
>
> In steps 170k and 170L, **the client interface module 112 executes these instructions to update the client 108,** and saves the new data marker C3 (6318 in FIG. 63B)."

(Col. 19, lines 9-24). Succinctly stated, Kloba teaches that the server sends instructions to the client to "roll back" to a known state and the client uses these instructions to roll back to a known state. Then, a full synchronization process takes place from this known state. Kloba simply does not teach "creating a server request based on the client request and on a synchronization state associated with the failed prior synchronization session so that duplicate objects are not created in the server when the mobile device and the server become synchronized." Also, Kloba does not teach that "if the synchronization request corresponds to the first synchronization session, the server is configured to initiate a recovery synchronization session, wherein the server is further configured to exclude changes provided in the first synchronization session that were previously updated." Accordingly, Kloba cannot possibly anticipate claims 1 and 19.

Regarding claims 2-5, 12 and 21-22, the limitations of those claims are not taught in Kloba. Moreover, claims 2-5, 12 and 21-22 ultimately depend from claims 1 and 19, respectively. Claims 1 and 19 are allowable as stated above. Accordingly, applicants assert that claims 2-5, 12 and 21-22 are allowable for at least those same reasons.

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III.   Rejection of claims 6-11, 13-18 and 20 under 35 U.S.C. 103(a).

Claims 6-11, 13-18 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kloba, as applied to claims 1-5, 12, 19 and 21-22 above. Applicants assert that the claims may not be modified in the manner suggested. Furthermore, even if for argument sake such modifications were possible, the modifications would still fail to teach all the limitations of the claims. Regarding claims 6-11, 13 and 20, those claims depend from the 35 U.S.C 102(e) rejection set forth above. Insofar as the 35 U.S.C. 102(e) rejection has been traversed, applicants believe that the 35 U.S.C. 103(a) rejection of claims 6-11, 13 and 20 should be withdrawn.

Regarding claim 14 of the present invention, claims 14 is an independent claim that specifically recites "creating an update manifest based on the synchronization state and the synchronization request, the update manifest includes changes to the first data store that were not provided in a prior synchronization request and excludes changes provided in the synchronization request that were previously updated on the second data store during the failed synchronization session." As more fully stated above in support for claims 1 and 19, Kloba does not teach or otherwise suggest this limitation. Claims 15-18 ultimately depend from claim 14 and as such, applicants assert that those claims are allowable for at least the same reasons as stated for claim 14.

In view of the foregoing, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.
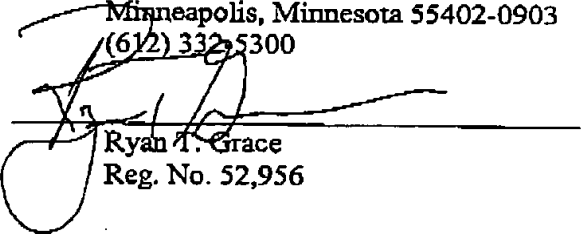
Respectfully submitted,

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PATENT TRADEMARK OFFICE

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